



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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AUG 05 2010

Ref: 8EPR-N

Mr. Mark W. Stiles
Forest Supervisor
U.S.D.A. Forest Service
San Juan National Forest
P.O. Box 439
367 S. Pearl Street
Bayfield, CO 81122

Re: Hermosa/Mitchell Lakes Land
Exchange Final Environmental
Impact Statement
CEQ # 20100215

Dear Mr. Stiles,

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Final Environmental Impact Statement (FEIS) for the Hermosa/Mitchell Lakes Land Exchange in accordance with EPA's responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, *et seq.*, and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609. This FEIS was prepared by the U.S. Forest Service (Forest Service) to analyze the potential effects of a proposed land exchange between the Tamarron Properties Associates, LLC (Proponent) and the Forest Service. The federal and non-federal lands are in the San Juan National Forest and located in La Plata and San Juan counties in southwestern Colorado. The purpose of the land exchange is to: (1) create a more consolidated federal and private ownership to reduce costs and increase management efficiency; (2) acquire non-federal inholdings, preventing future development; (3) acquire additional federal jurisdiction within congressionally designated wilderness, and (4) acquire important resources such as wetlands, floodplains, and riparian areas that will enhance or protect resource values on existing National Forest lands.

The federal parcel, the Chris Park Parcel, is approximately 265 acres located south of the Chris Park Campground and extending southward to the existing Tamarron private land boundary, eastward to the west slopes of the Elbert Creek drainage, and westward to meadows and forests adjacent to U.S. Highway 550. The non-federal parcels, privately owned inholdings that lie within the boundaries of the San Juan National Forest, are: (1) the Hermosa Park Parcel, approximately 160 acres located north of the confluence of Hermosa Creek and East Hermosa Creek and immediately west of

the Hermosa Park trailhead; (2) the Mitchell Lakes Parcel, approximately 160 acres located on a bench above the Animas Valley near the Pinkerton Flagstaff Forest Service Trail 522; and (3) the Iron Clad Mining Parcel, approximately 10 acres located 4.7 miles southeast of Silverton on the southern slopes of Whitehead Peak in the Weminuche Wilderness.

The FEIS analyzed the No Action Alternative and three action alternatives. The preferred alternative was Alternative 2. Under this alternative, the Forest Service would: (1) exchange a 265-acre parcel of National Forest System lands for up to three private inholdings totaling approximately 330 acres; (2) grant an easement for a 24-foot wide, 2,970-foot long paved access road from U.S. Highway 50 across National Forest lands to the northwest corner of the parcel and construct a parking area for public access to the existing trail system; and (3) construct two new trails to mitigate the loss of existing recreation trails on the Chris Park Parcel.

Alternative 2, with modifications, was approved in the Record of Decision (ROD). The differences between this modified Alternative 2 and the FEIS Alternative 2 include the following:

1. The federal parcel was reduced from the 265 acres proposed in the FEIS to a smaller parcel of 228 acres. In exchange, the Forest Service will receive the 160-acre Hermosa Park Parcel, the 10-acre Iron Clad Mining Parcel, and a cash equalization payment.
2. The Mitchell Lakes Parcel will not be placed in federal ownership.
3. No easement for a year-round or emergency access road to the federal parcel will be granted to the Proponent.
4. Design criteria to address noise and scenic impacts to Chris Park will be added and/or modified.
5. The Proponent will be required to make a payment of \$444,000 to the U.S. to balance the market values of the federal and non-federal properties.

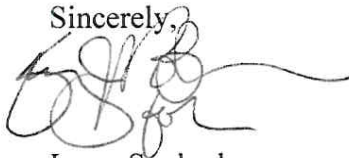
The ROD was well prepared and reflected a transparent decision making process that allowed the reader to clearly understand the rationale for choices made and the tradeoffs that the decision entailed. For example, in the FEIS preferred alternative, there would be a net gain of almost 40 acres of wetlands, while the ROD would have a net gain of approximately 28 acres. However, the wetlands in the Mitchell Lakes Parcel are a more ephemeral type than those in Hermosa Park and do not support any kind of fisheries. In addition, all of the floodplains to have been acquired are within the Hermosa Park Parcel. Also, because the Mitchell Lakes Parcel is difficult to access, there was less of a potential that it would be developed in the near future, and the Forest Service is committed to eventually adding this private inholding to National Forest System lands. Ultimately, the tradeoff is losing land on the periphery of the San Juan National Forest that is easily accessible to the public and gaining land further inside the forest to prevent

development that could have adverse effects to existing National Forest land surrounding the inholdings.

EPA understands the financial constraints and the requirements of land exchange authorities, and commends the Forest Service for their robust community outreach and response to the public input it received. However, EPA does not comprehend why the FEIS was not modified to reflect the ROD alternative as both documents were released at the same time. In addition, Appendix G Response to Comments was so generalized and non-specific that it was extremely difficult to determine whether or not EPA comments on the DEIS were incorporated into the FEIS. In general, though, it appears that the ROD adequately documents and supports your decision.

We appreciate the opportunity review this FEIS. If we may provide further explanation of our comments, please contact me at 303-312-6004 or Carol Anderson of my staff at 303-312-6058.

Sincerely,

A handwritten signature in black ink, appearing to read 'LS', with a long horizontal flourish extending to the right.

Larry Svoboda

Director, NEPA Compliance and Review Program
Ecosystems Protection and Remediation